

REMARKS

Amendments to the Specification

The specification was objected to because it is asserted that paragraph [0010], line 4, does not contain an appropriate SEQ ID NO as required under 37 C.F.R. § 1.821.

Applicants have previously addressed this issue in the Response to Office Action filed 10/6/05. Applicants again submit that paragraph [0010], line 4, discloses the formula A-B-C-D-E and is not subject to the amino acid sequence requirements of 37 C.F.R. § 1.821. In addition, amino acid sequences with fewer than four specifically defined amino acids are specifically excluded from § 1.821. Applicants respectfully submit the formula A-B-C-D-E lacks four specifically defined amino acids as defined in the World Intellectual Property Organization (WIPO) Handbook on Industrial Property Information and Documentation, Standard ST 25: Standard for the Presentation of Nucleotide and Amino Acid Sequence Listings in Patent Applications (1998). Thus, Applicants respectfully request withdrawal of the objection.

The specification was objected to because it is asserted that SEQ ID NOs are required in the brief description of the drawings. Applicants have reviewed paragraphs [0013] and [0014] of the specification and submit that no amino acid sequences are disclosed in the brief description of the drawings. However, in order to facilitate prosecution, Applicants have amended the specification to include SEQ ID NOs for the named peptides. Based on the above Amendments to the Specification, Applicant respectfully requests withdrawal of the objection.

The specification was objected to because the amendment filed 8/13/04 directed amendments to the specification that were apparently off by one paragraph number. Based on the above Amendments to the Specification, Applicant respectfully requests withdrawal of the objection.

Amendments to the Claims

Claims 1-8, 11-15, 18-21, and 29-31 are pending and stand rejected. Claims 1 and 7 have been amended. Reconsideration of the claims in light of the following remarks is requested.

Double Patenting Rejection

Claims 1-8, 11-15, 18-21 and 29-31 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over pending Claims 9 and 10 of pending U.S. Application No. 10/376,647 in view of U.S. Patent No. 5,702,946 A, WO 93/03764 and

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U.S. Patent No. 6,828,415 B2 Applicants point out to the Examiner that U.S. Application No. 10/376,647 is abandoned. A Notice of Abandonment was mailed on November 20, 2006. As such, the Examiner's rejection is moot and the Applicants request its withdrawal

Rejection under 35 U.S.C. §112 (first paragraph)

Claims 1-8, 11-15, 18-21 and 29-31 stand rejected under 35 U.S.C. § 112 first paragraph for an alleged lack of written description and for an alleged lack of enablement. Claims 1 and 7 have been amended to recite an "oligopeptide consisting of". All other claims depend from either claim 1 or claim 7. Therefore, the claims as currently amended comply with the written description and enablement requirements of 35 U.S.C. § 112 first paragraph. As such, Applicants respectfully request the withdrawal of this rejection

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance.

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CONCLUSION

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (415) 781-1989. Prompt and favorable consideration of this Amendment is respectfully requested

Respectfully submitted,
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Dated: Feb. 27, 2007

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